

OFFICIAL



Mansfield Shire

Council Meeting

Tuesday 19 August 2025 5:00 pm
Mansfield Council Office

Notice and Agenda of meeting livestreamed via the
[Mansfield Shire Council website](#)
Commencing at 5pm

Our aspiration for our Shire and its community

We live, work and play in an inclusive, dynamic and prosperous place where
community spirit is strong and people are empowered to engage in issues that
affect their lives.

Councillors

Cr Steve Rabie (Mayor)
Cr James Tehan (Deputy Mayor)
Cr Mandy Treasure
Cr Bonnie Clark
Cr Tim Berenyi

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, General Manager Investment & Planning
Janique Snyder, Acting Executive Manager Community Health & Wellbeing
Justin Hotton, Acting Executive Manager Capital Works & Operations

Order of Business

1. Opening of the meeting

The Mayor, who chairs the meeting, will formally open the meeting and welcome all present.

2. Present

Where a meeting is held virtually, Councillors will confirm that they can see and hear each other.

3. Apologies

Where a Councillor is not present, their absence is noted in the Minutes of the meeting.

4. Statement of commitment

The Council affirms its commitment to ensuring its behaviour meets the standards set by the Model Councillor Code of Conduct.

5. Acknowledgement of Country

The Council affirms its recognition of the Taungurung people being traditional custodians of this area, and pays respect to their Elders past and present.

6. Disclosure of conflicts of interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflicts of Interest pursuant to sections 126 and 127 Act in any items on this Agenda.

Council officers or contractors who have provided advice in relation to any items listed on this Agenda must declare a Conflict of Interest regarding the specific item.

7. Confirmation of minutes

The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.

8. Representations

Council receives or presents acknowledgements to the general public. Deputations may also be heard by members of the general public who have made submission on any matter or requested to address the Council. Council may also receive petitions from residents and ratepayers on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council officer for consideration.

9. Notices of Motion

A Motion is a request (Notice of Motion) that may be made by a Councillor for an issue not listed on the Agenda to be discussed at a Council meeting and for a decision to be made.

10. Mayor's report

The Mayor provides a report on their activities.

11. Reports from council appointed representatives

Councillors appointed by Council to external committees will provide an update where relevant.

12. Public question time

Councillors will respond to questions from the community that have been received in writing, by midday on the Monday prior to the Council meeting. A form is provided on Council's website.

13. Officer reports

13.1 Council considers a report from the Chief Executive Officer on the current operations, activities and projects undertaken with each department over the past month

13.2-13.5 Officer reports are presented to the Council, where required.

14. Council resolutions report

Council reviews the outstanding actions arising from resolutions from previous Council meetings.

15. Advisory and Special Committee reports

Council considers reports from Advisory Committees that Councillors represent Council on.

16. Authorisation of sealing of documents

Any documents that are required to be endorsed by the Chief Executive Officer under delegated authority and sealed by the Council are presented to the Council.

17. Closure of meeting to members of the public

Whilst all Council meetings are open to members of the public, Council has the power under the Local Government Act 2020 to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public are excluded from the meeting while the matter is being discussed.

18. Presentation of confidential reports

19. Reopen meeting to members of the public

The Mayor will reopen the meeting to members of the public.

20. Close of meeting

The Mayor will formally close the meeting and thank all present for attending.

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Agenda

1. Opening of the meeting

2. Present

The Chair will call on any Councillor/s attending the meeting virtually and ask them to confirm verbally that they can see all Councillors and hear the proceedings.

Councillor/s attending virtually will respond to their name with: "I can hear the proceedings and see all Councillors and Council officers".

The Chair will ask the Councillor/s to confirm by raising their hand that they could all hear each statement of the Councillors.

Councillors will raise their hand to acknowledge they can hear each other.

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

The Chair will read the statement and call on each Councillor to confirm their commitment:

"As Councillors of Mansfield Shire we are committed to ensuring our behaviour meets the standards set by the Model Councillor Code of Conduct. We will, at all times, faithfully represent and uphold the trust placed in us by the community."

5. Acknowledgement of Country

The Deputy Mayor will recite Council's Acknowledgement of Country:

"Our meeting is being held on the traditional lands of the Taungurung people. We wish to acknowledge them as the traditional custodians and pay our respects to their Elders past and present. We extend that respect to all members of our community."

6. Disclosure of conflicts of interest

The Chair will call on each Councillor in turn and ask them to declare whether they have any conflicts of interest in relation to any agenda items:

- Councillor Tehan
- Councillor Treasure
- Councillor Clark
- Councillor Berenyi

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 15 July 2025 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

Mayor Steve Rabie will present the monthly Mayor's report to the Council as follows:

It's very exciting to be starting work on the projects funded through our successful funding applications, with \$14.1 million awarded to Council for the Mansfield Station Precinct under the Australian Government's Regional Precincts and Partnerships Program.

Community voices will continue to play an important part as we deliver each individual project in the masterplan. The fact we've been able to secure funding is a testament to the years of planning, engagement and advocacy that have gone into the Station Precinct. We have been working closely for many years with community groups to see this project to this point and continue our community partnerships. We recently welcomed 3 new members to the Station Precinct Stakeholder Group – Emma Wiking, Matthew Empey and Samantha Orb – joining 7 other community members on the group. I look forward to seeing how they work together in partnership with Council and other stakeholders.

Last week I was joined by Tourism North East's newly appointed Chair Martin Pakula and CEO Bess Nolan-Cook in a tour of the Station Precinct and planned projects. They congratulated Council on receiving funding, and we look forward to working with them to promote business and visitor opportunities as the Precinct develops.

It was great to also receive confirmation of \$1 million in funding for upgrades to the Mansfield Swimming Pool in addition to \$750,000 of allocated in Council's budget. Our community has been calling for a year-round aquatic facility for a long time, and our upgrades will enable more use of the existing pool facilities and avoid the need for families to travel for swimming lessons. The Aquatic Facilities Working Group has recently formed as a community partnership with Council to further progress our community's need.

Council is also listening to the community's concerns around traffic congestion on the Maroondah Highway. While this is a state road and we don't have direct control, we are always advocating and trying to work with the state for better roads for our community. In this case, we have also worked directly with local stakeholders to see how we can help. Last year Council worked with Buller Sports to change the direction of traffic, which had huge benefits for flow on Maroondah Highway. With heavier traffic this year, Council worked with Buller Sports, the Police and the Department of Transport to find solutions for this problem. We have been patrolling Elvins Street to make sure residents have access to their homes and that people are doing the right thing on Council's roads during this busy snow season.

I want to talk about the Delatite Valley Plan. There has been a lot of misinformation spread across social media, which I am disappointed about. I have always said that this Council, under my leadership, will listen to community and that is what we are doing. Council officers have recently engaged with the Merrijig and Delatite Valley community to listen and understand their concerns and views on the draft Plan. This Plan is a collaboration between all residents and ratepayers in the Valley and I am very keen, as usual, to make sure that we all protect our farmland and rural amenity.

Finally, I would like you to know that I continue to advocate against the unfair increase in the Emergency Services Volunteers Fund (tax) and I am working hard behind the scenes on your behalf.

Cr Steve Rabie
Mayor

Recommendation

THAT COUNCIL receive the Mayor's report for the period 16 July 2025 to 13 August 2025.

11. Reports from council appointed representatives

Councillors appointed by Council to internal and external committees will provide a verbal update where relevant.

Committee	Responsible Councillor(s)
Australia Day Awards Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Cr James Tehan Cr Mandy Treasure
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> Cr Tim Berenyi
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> Mayor Cr Steve Rabie
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Cr Mandy Treasure
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Cr James Tehan Cr Bonnie Clark
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Substitute - Deputy Mayor Cr James Tehan
North East Local Government Waste and Recovery Forum	<ul style="list-style-type: none"> Cr Tim Berenyi
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> Cr James Tehan
Station Precinct Museum Community Asset Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie
Taungurung-Local Government Forum	<ul style="list-style-type: none"> Mayor Cr Steve Rabie

Recommendation

THAT COUNCIL note the verbal reports provided by Councillors in relation to their representation on internal and external Committees.

12. Public question time

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The [‘ask a question’ form](#) is available from Council's website.

The Mayor will read out the question and answer at the meeting.

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kirsten Alexander

Introduction

The Chief Executive Officer's report allows a short briefing to be provided to the Council on the current operations, tasks and projects undertaken within each department over the past month.

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Capital Works
- ▶ Statutory & Strategic Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Waste Services (Landfill)
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Events, Youth)
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 July 2025 to 31 July 2025.

Support Attachments

1. CEO Monthly Report – July 2025 [13.1.1 - 29 pages]

13.2. Investment and Planning

13.2.1. Planning Permit Application P016-25: 8-10 Chenery Street Mansfield

File Number	P016-25	Responsible Officer	Senior Coordinator Planning, Nicole Embling
Purpose			

This report seeks Council's determination of planning permit application P016-25, lodged for the display of a (double-sided) Major Promotion Sign. This application being referred to Council for determination as there are more than five (5) outstanding objections, exceeding Officer delegation, and the Officer recommendation is to issue a Notice of Decision to Refuse to Grant a Permit.

Executive Summary	
Application Details	
APPLICANT	Gawk Outdoor
PROPOSAL	Display of a (double-sided) Major Promotion Sign
NOTICE AND SUBMISSIONS	Notice was provided to the owners and occupiers of adjoining and nearby properties, a total of 47 letters were sent. A sign was placed on site and a notice was in the <i>Mansfield Courier</i> . The notice period was 16 April to 9 May 2025. A total of eleven (11) objections were received.
Property Details	
PROPERTY ADDRESS	8-10 Chenery Street Mansfield
LAND DESCRIPTION	Lot 2 on Plan of Subdivision 311622F
RESTRICTIVE COVENANTS	Nil
LAND AREA	2,562 square metres
EXISTING USE	Commercial business – 'Mansfield Tyre Service'
Planning Provisions	
ZONE	Clause 34.01 – Commercial 1 Zone
OVERLAYS	Nil
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement, Mansfield Township Clause 02.03-5 – Township and Neighbourhood Character
PLANNING POLICY FRAMEWORK	Clause 11.01-1L-01 - Mansfield Township Clause 15.01-1L – Urban Design in Mansfield Township CBD Clause 15.01-5S – Neighbourhood Character
PARTICULAR PROVISIONS	Clause 52.05 – Signs Clause 52.29 – Land Adjacent to the Principal Road Network
Permit Triggers	
Clause 52.05-12	<i>A permit is required for a major promotion sign</i>

Other	
CULTURAL HERITAGE SENSITIVITY	The subject land is not within an area of Cultural Heritage Sensitivity and is therefore exempt from the requirements of obtaining a Cultural Heritage Management Plan.

The permit applicant, Gawk Outdoors, seeks approval for a Major Promotion Sign on the land at 8-10 Chenery Street Mansfield.

Subject Land

The subject land is irregular in shape with west boundary frontage to Chenery Street. The land is currently occupied by a commercial building operating as ‘Mansfield Tyre Service’, which includes a car parking area adjacent to the road.



Figure 1: 2023 Aerial Imagery of the subject land

The land and the surrounding properties are in the Commercial 1 Zone, and Chenery Street is in the Transport Zone 2 as a road managed by the Department of Transport. There is also some land nearby, to the north-east of the subject site, which is in the Urban Floodway Zone, and land nearby to the east and south in the General Residential Zone. The site is partially affected by the Land Subject to Inundation Overlay (not in the proposed development location) and nearby properties are affected by the Floodway Overlay and Land Subject to Inundation Overlay

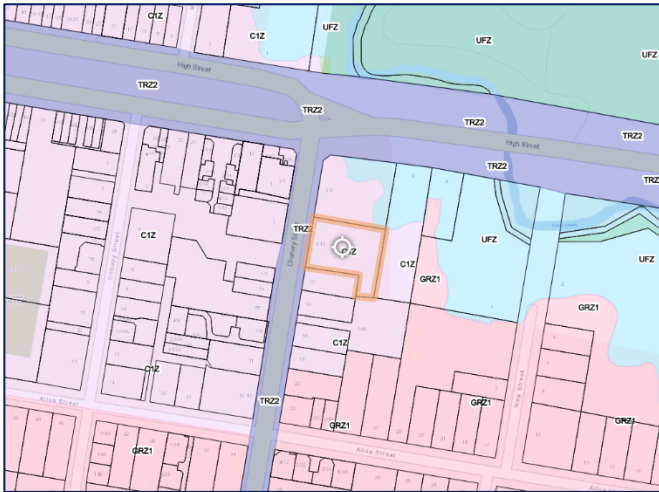


Figure 2: Zoning

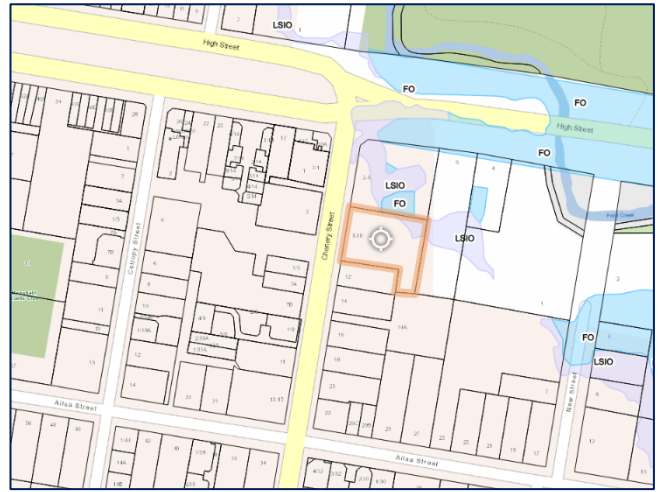


Figure 3: Overlays

The land abuts the Ampol Petrol Station to the north, a vacant Commercial lot to the south which fronts High Street, a residential dwelling (in the Commercial 1 Zone) to the south, and is adjacent to Betta Home Living to the west, across Chenery Street. The area comprises mostly of light commercial and retail businesses, including a gym, motor mechanics, petrol station, cinema, tobacconist, and accountant, as well as some scattered residential uses to the south and south-east.

There is a dwelling adjacent to the south at 12 Chenery Street, and a dwelling is shown at 14 Chenery Street in Figure 1, which has since been demolished and a permitted motor mechanics is being constructed. From 16 Chenery Street and further south Chenery Street is completely developed with dwellings, including multi-dwelling unit developments, until the car sales at 52 Chenery Street.

Chenery Street is a major tourist route and provides a route for through traffic from Mansfield to Mt Buller, Jamieson and Goughs Bay. The street is dual-lane with on-street parking on both sides of the road and concrete footpaths.



Figure 4: Google Street View, May 2024 – looking south on Chenery Street past the site

Proposal

The proposal is for the erection and display of a freestanding, double-sided, major promotion sign, including the display of third-party advertising. Third-party advertising would include the promotion of businesses, events, or products not on the land, similar to the content displayed on the sign at 185 Mt Buller Road (in front of Chippy's).

Each side of the sign is proposed to have a display of 18.26 square metres, with an additional 0.71 square metres 'Gawk' business identification sign, totaling a display of 37.95sqm. The height of the sign would have a maximum of 5.15 metres from natural ground level and would be 8.3 metres long. And the bottom of the sign would be 2 metres above ground level, sitting above the height of the adjacent (approx. 1.8-metre-high) Colorbond fence on the property boundary.

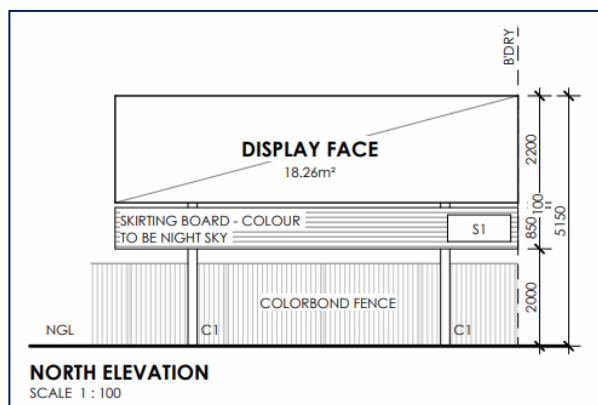


Figure 5: Submitted Plans

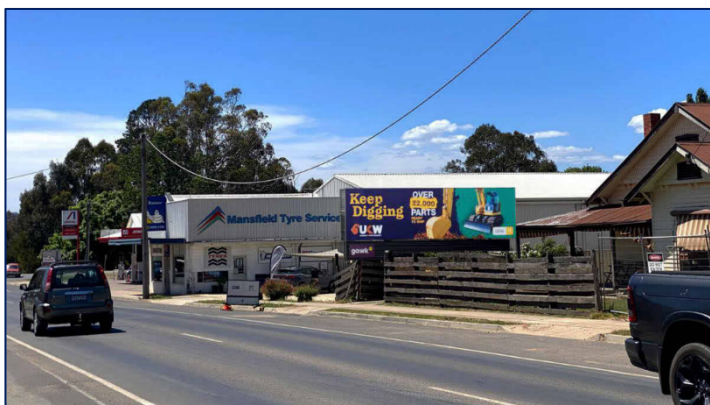


Figure 6: Indicative sign in place (photoshopped)

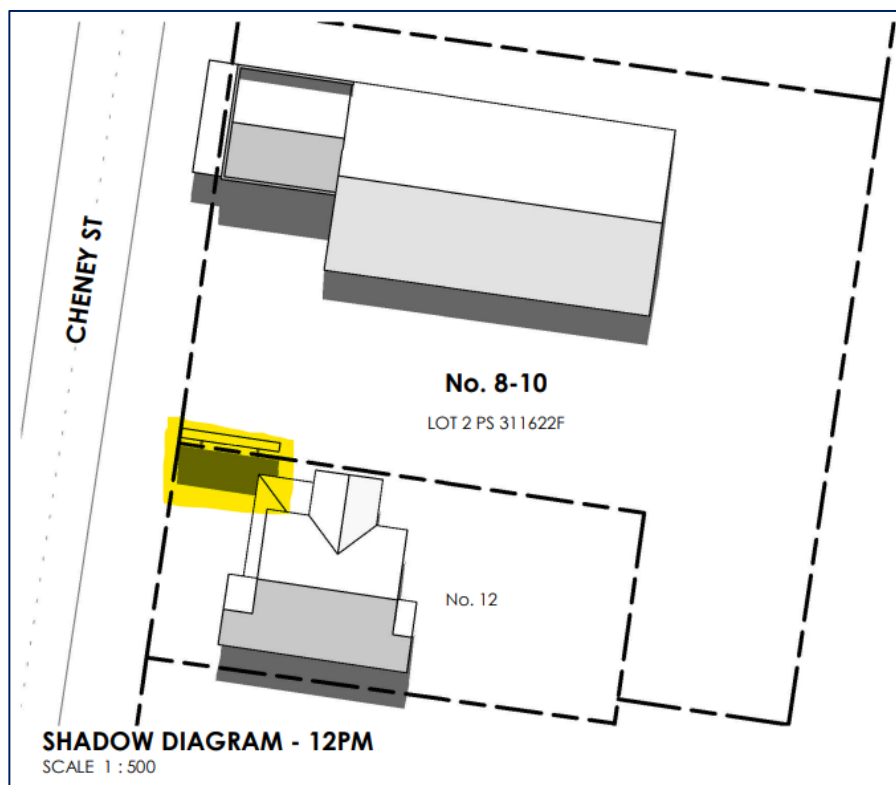


Figure 7: Location of sign and associated shadow, highlighted

The sign is proposed to be setback 50cm from the boundary fence and would be 77.5cm wide intruding approximately 1.3-metres into the car parking space available for customers of the Tyre Service business on the land. A detailed plan showing the impact on the car parking area has not been provided with the application documents.

External Referral Authorities

The application has been referred to the Department of Transport and Planning (Head, Transport for Victoria) as the sign is proposed to be adjacent to, and would be visible from, a VicRoads managed road.

The Head, Transport for Victoria has provided a response, raising no objection to the proposal and requesting one condition which stipulates that no *retro-reflective material or high glossy surfaces* be used.

Internal Referral Requests

The application has not been referred to any internal departments.

Public Notice

The application was advertised to the owners and occupiers of nearby properties and a total of 47 letters were sent, a sign was placed onsite, and a notice was published in the Mansfield Courier on 23 April 2025. The public notice was from 16 April to 9 May 2025, during that time a total of 11 submissions objecting to the proposal were received.

Five of the objections were received from occupants or landowners in the surrounding area. The remainder (6 submissions) of the objections were received from concerned Mansfield Shire residents.

The objections received include:


- Distracting for drivers
- Not an appropriate location
- Too close to the main street of Mansfield
- Not in keeping with the character of Mansfield
- Diminish aesthetics of Chenery Street
- Shadowing on 12 Chenery Street
- No community benefit
- Too big
- Visible from nearby homes
- Would create visual clutter


One submission included *“I think I speak for a large portion of Mansfield in saying this is Mansfield, not Las Vegas”*.

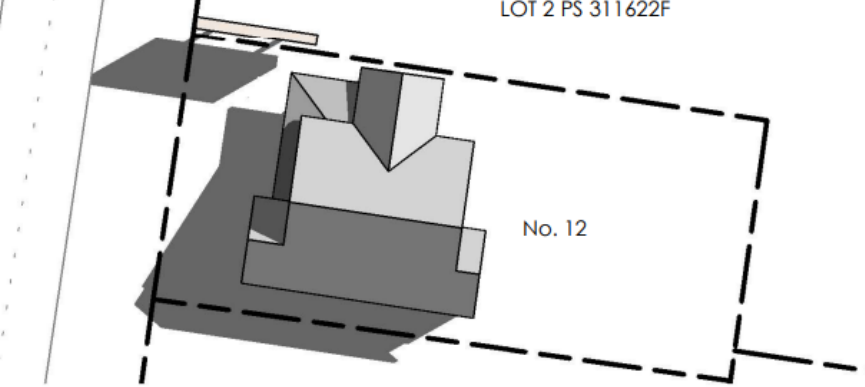
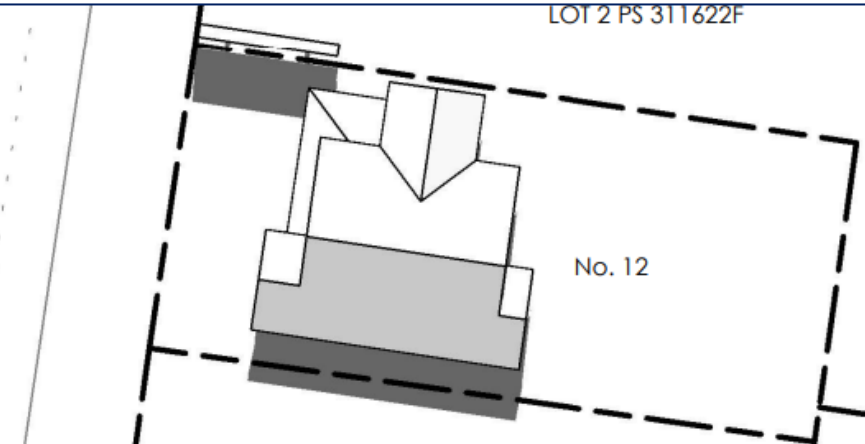
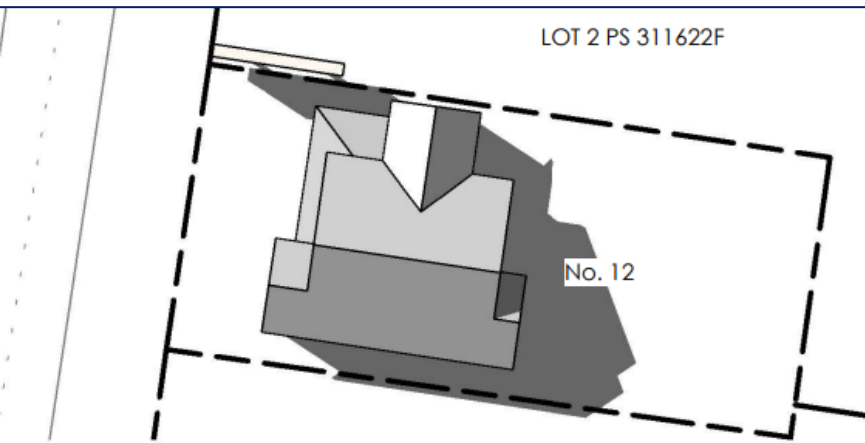
A detailed assessment of the objections is included below.

Key Issues

Consideration of Objections

Objection	Officer Comment
<i>Distracting for drivers</i>	Council's Engineering Team has assessed the application and determined that the sign in particular would not necessarily cause any safety hazards however, the application documents have not provided any evidence as to how the sign could impact on driver awareness.
<i>Not an appropriate location</i>	<p>The application documents include indicative images of what the developed result could look like from various viewpoints on Chenery Street, as below.</p>  <p>The sign is proposed to be on a shared boundary with a residential property. The proposal to have a billboard blocking the north boundary from the front yard of a dwelling is not considered appropriate.</p>
<i>Too close to the main street of Mansfield</i>	The location of the proposed sign is considered to be within the CBD of Mansfield Township where all existing signs represent the businesses where they are located and there are some local information signs at the entrance to town on High Street (west end). To date, the signs in the township have been kept to a minimum to maintain the streetscape character.
<i>Not in keeping with the character of Mansfield</i>	Whilst the character of Chenery Street and the Mansfield Township is not specifically defined in the Planning Scheme it is considered that

Objection	Officer Comment
	<p>the area has an established low-visual-impact character whereby the canopy trees are able to be viewed along streetscapes, and the area is very open with clear views to the sky. The proposed billboard sign is at risk of diminishing the existing character and encouraging a higher density of development, detracting from the rural character. Additionally, Chenery Street is in the Transport Zone 2 and is a part of the major tourist route to the alpine region, including Mt Buller and Mt Stirling.</p> <p>The introduction of large promotional signs would diminish the local rural character and bring an 'urban feel' to our landscape.</p>
<p><i>Diminish aesthetics of Chenery Street</i></p>	<p>Chenery Street is a wide and open street, with on-street parking and footpaths on both sides of the road. It is a thoroughfare for pedestrian and vehicle traffic including locals and tourists, providing the most direct connection between the Mansfield township and the alpine region.</p> <p>It is noted that the images provided by the Applicant include some traffic management signs and the road seems to be in disrepair. However, this is considered to be a misrepresentation of the character of the area as Chenery Street is typically well maintained with very neat nature strips and open views to the surrounding horizon, as can be seen in the Google Street View image below.</p> 
<p>Shadowing on 12 Chenery Street</p>	<p>The adjoining property to the south is currently occupied by a single dwelling.</p> <p>The application includes Shadow Diagrams for the impact of the sign on the dwelling and front yard at 12 Chenery Street. The diagrams show the impact of the shadow from the sign at 9am, 12pm and 3pm, see below.</p>

Objection	Officer Comment
	<div data-bbox="491 208 1369 651">  <p>LOT 2 PS 311622F</p> <p>No. 12</p> <p>SHADOW DIAGRAM - 9AM</p> </div> <div data-bbox="491 651 1369 1144">  <p>LOT 2 PS 311622F</p> <p>No. 12</p> <p>SHADOW DIAGRAM - 12PM</p> </div> <div data-bbox="491 1144 1369 1630">  <p>LOT 2 PS 311622F</p> <p>No. 12</p> <p>SHADOW DIAGRAM - 3PM</p> <p>In relation to the requirement of Clause 54 One Dwelling on a Lot (ResCode) the application would comply. However, it is noted that there is some impact to the front yard and onto the north-facing deck.</p> </div>
<p><i>No community benefit</i></p>	<p>The application states that local content could be included in the display, however, it does not specify how that could be controlled. If approved, Council would not have the ability to mandate what type of promotions signs were displayed, providing no guarantee that the content would be local.</p>

Objection	Officer Comment
	Advice has been received from Council's Economic Development and Tourism Team that states how display of local events and business could be beneficial to the local economy.
<i>Too big</i>	The sign is proposed to be just over 18sqm on each side and would provide for significant-sized advertising. With a total height of 5.15metres the sign would be very visible in the landscape and not in character with surrounding developments.
<i>Visible from nearby homes</i>	The sign would significantly impact the visual amenity experienced from the north and west sides of the dwelling on the adjoining land at 12 Chenery Street. Additionally, it is likely that nearby dwellings to the south and west of the subject land would be impacted by the visual dominance of the sign in the landscape.
<i>Would create visual clutter</i>	The intrusion of the sign in the skyline of Chenery Street would create visual clutter and detract from the open and rural character of the area. Currently, all signs along Chenery Street are business identification signs, advertising the businesses on which they are located. A major promotion sign would change the character of signs and could lead to a proliferation of signs in an area where signs are currently very minimal.

Officer Assessment

A complete assessment of the application against the Mansfield Planning Scheme is attached.

The proposal is for a major promotion sign located on one of Mansfield's key tourist routes and would have significant impacts to the existing rural character of the area. Overall, the proposal is considered to be inconsistent with the Mansfield Planning Scheme and relevant adopted Strategies.

Recommendation

THAT COUNCIL resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Permit Application P016-25 for a Major Promotion Sign at Lot 2 on PS311622F, commonly known as 8-10 Chenery Street Mansfield, for the following reasons:

1. Proposal is inconsistent with the Mansfield Planning Strategy, 2022, as the inclusion of a major promotion sign contradicts the preferred character statements for Mansfield Township, in particular:
 - a. *To recognise, support and protect neighbourhood character, cultural identity, and sense of place in Mansfield Shire.*
 - b. *To encourage new development to achieve architectural and urban design outcomes that positively contribute to local character.*
 - c. *Allow views to front gardens and dwellings.*
 - d. *Encourage development that respects the rhythm of street frontages and front setbacks to avoid transitioning to an urban suburban character.*
2. Proposal is inconsistent with the purpose of Clause 15.01-1L Urban design in Mansfield Township CBD;
 - a. *Site and design development to respond to the existing built form character of the centre.*
 - b. *Design signs to be proportionate to the building façade and directed to the verandah and below verandah.*
3. Proposal is inconsistent with the strategies of Clause 15.01-5S Neighbourhood Character;
 - a. *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
 - b. *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - i. *Neighbourhood character values and built form that reflect community identity.*
4. Proposal is inconsistent with the purpose of Clause 52.05 Signs;
 - a. *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
 - b. *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
 - c. *To ensure signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Support Attachments

1. Assessment Against Planning Scheme [13.2.1.1 - 9 pages]
2. Plans [13.2.1.2 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

This application was advertised in accordance with the *Planning and Environment Act 1987*. 11 Objections were received and are discussed in detail in the Delegate Report, attached.

Collaboration

Not Applicable

Financial Impact

This application is being assessed by Council's existing Statutory Planning resources. Application fees of \$1,998.60 have been received which include cost recovery for public notice.

Legal and Risk Implications

Should the application be refused, the permit applicant would have the relevant rights of appeal to the Victorian Civil and Administrative Tribunal. Should the application be issued, all objectors would have the relevant rights of appeal to the Tribunal.

Regional, State and National Plans and Policies

This application has been assessed in accordance with the Mansfield Planning Scheme and the *Planning and Environment Act 1987*.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.2. Planning Permit Application P149-22: 240 Malcolm Street Mansfield

File Number	P149-22	Responsible Officer	Senior Coordinator Planning, Nicole Embling
Purpose			

This report seeks Council determination of planning permit application P149-22 for a 9-lot staged subdivision of land at 240 Malcolm Street Mansfield, where the permit applicant has requested a reduction in the requirement of a Public Open Space Contribution.

Executive Summary

<i>Application Details</i>	
APPLICANT	Human Habitats
PROPOSAL	Nine (9) Lot Staged Subdivision
NOTICE AND SUBMISSIONS	Application is exempt from Public Notice as the proposal is in accordance with the approved Development Plan.
<i>Property Details</i>	
PROPERTY ADDRESS	240 Malcom Street Mansfield
LAND DESCRIPTION	Lot 2 on LP80798, Lot 1 on TP244731, and CA 75 on PP3056 Parish of Mansfield
RESTRICTIVE COVENANTS	Nil
LAND AREA	Approximately 38 hectares
EXISTING USE	Farm land with agricultural buildings, stock yard and single dwelling on CA 75 PP3056
<i>Planning Provisions</i>	
ZONE	Clause 35.03 – Rural Living Zone (RLZ1)
OVERLAYS	Clause 43.04 – Development Plan Overlay (DPO3) - Rural Living Zone
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement (Mansfield Township) Clause 02.03-2 – Environmental and Landscape Values Clause 02.03-4 – Natural resource management (Water and Declared Special Water Supply Catchments) Clause 02.03-5 – Built Environment and Heritage Clause 02.03-6 – Housing Clause 02.03-9 – Infrastructure
PLANNING POLICY FRAMEWORK	Clause 11.01-1L-01 – Mansfield Township Clause 13.02-1S – Bushfire Planning Clause 14.02-1S - Catchment planning and management Clause 14.02-1L - Catchment planning and management Clause 15.01-3S – Subdivision Design Clause 15.01-4S – Healthy Neighbourhoods

	Clause 15.01-4S –Neighbourhood Character Clause 15.01-6S – Design for rural areas Clause 16.01-1L – Housing Supply in Mansfield Township Clause 19.03-1L – Development and Infrastructure Contributions Plans
PARTICULAR PROVISIONS	Clause 53.01 – Public Open Space Contribution and Subdivision
PERMIT TRIGGERS	Clause 35.03-3 – Subdivision of land in the Rural Living Zone

A Development Plan is required prior to any approval for subdivision or development when land is within a Development Plan Overlay, the Plan guides future uses and development, including subdivision. The '240 Malcolm Street Development Plan' was approved on 26 May 2025 following extensive consultation with external referral authorities, internal Council departments and a public notice period where no submissions were lodged. The approved Development Plan is published on [Councils public website](#).

Subject Land

The proposal includes 3 lots: Lot 2 on LP80798, Lot 1 on TP244731, and CA 75 on PP3056 addressed as 240 Malcom Street, as shown in Figure 1.

The subject site has been used for livestock grazing and includes one area of existing buildings which are located on Lot 75 of Property Parcel 3056 in the northeast corner of the site. Capital improvements include a dwelling and two farming sheds and associated stock yards. There are three watercourses traversing the Development Plan area including a section of Owens Creek.



Figure 1: 2023 aerial of the subject land

The site contains several patches of remnant native vegetation. A detailed Flora and Fauna report submitted by the applicant suggests that there are 63 large native scattered trees located across the study area. A number of these are large, scattered remnant trees located near the creek in the east of the subject site area. More are also located along the western boundary and scattered throughout the topographically steep country in the southern half of the study area. The vegetation report highlights that a number of these trees have a variety of hollow sizes and therefore provide good habitat for hollow-dependent fauna species.

There are 3 dams situated across the site and waterways including a section of Owens creek. The application has been referred to the Catchment Management Authority and to Goulburn Murray Water who have provided supportive responses.

The subject land is situated within a Bushfire Prone Area but not within a Bushfire Management Overlay (BMO). The Country Fire Authority has reviewed the application and provided consent, subject to conditions for firefighting water supply, site access, and road construction standards suitable for emergency vehicles.

Much of the subject site has areas of identified Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP) has been prepared and submitted by the applicant in accordance with the requirements of the Aboriginal Heritage Regulations 2018 and the *Aboriginal Heritage Act 2006*. The CHMP was sent to and approved by the Taungurung Land and Waters Council.

Proposal

The proposal is to subdivide the subject land into nine allotments. It is proposed that a new access way off Malcolm Street be created for Lots 3-9, a crossover will be created for proposed Lot 2 on Malcolm Street and proposed Lot 1 will utilise the existing access off Malcolm Street. Lot 1 will contain the existing dwelling and large shed and will be approximately 3.46ha. The lot sizes will range from 2.57ha to 8.91ha – the average lot size will be 4.1ha.

The proposed building envelopes for each lot are shown on attached plans. These have been designed to protect existing native vegetation, provide a 30m buffer from watercourses, to prevent ridgeline development to the south of the property, and to align with the recommendations and conditions of the approved Cultural Heritage Management Plan.

The proposal includes a new road off Malcolm Street. This has a carriageway width of 8m and a shoulder width of 1m. The proposed road reserve will be 20m which is consistent with the Infrastructure Design Manual.

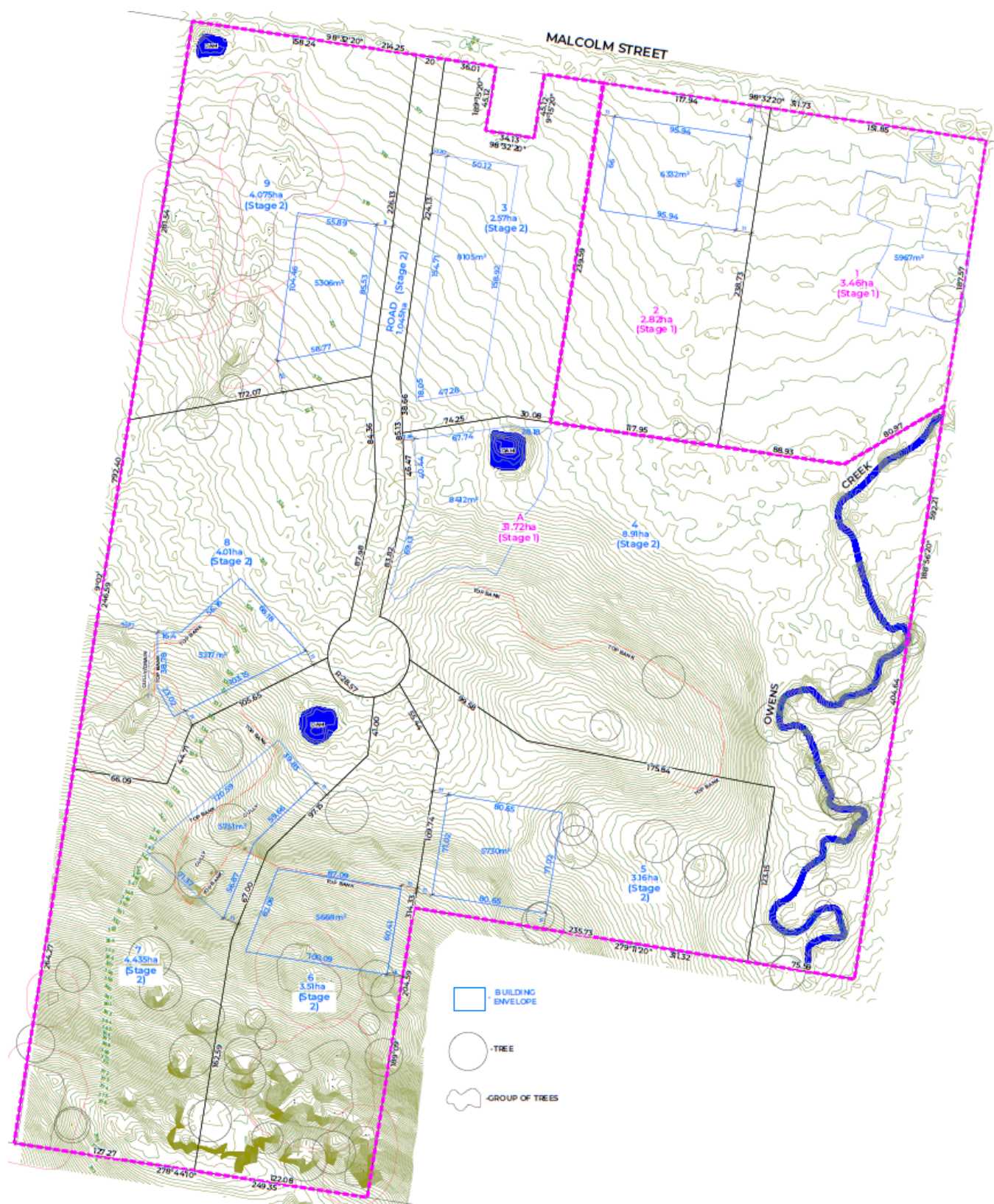


Figure 2: Proposed plan of subdivision, showing Building Envelopes and Tree Protection Zones

Referral Authorities

Referral Authority	Comments
AusNet Electricity Services	No objection, subject to conditions
Country Fire Authority (CFA)	No objection, subject to conditions
Department of Energy, Environment and Climate Action (DEECA)	No objection, subject to conditions
Goulburn Murray Water (GMW)	No objection, subject to conditions
Goulburn Broken Catchment Management Authority (GBCMA)	No objection, subject to conditions
Goulburn Valley Water (GVW)	No objection, subject to conditions
Councils Engineering Team	No objection, subject to conditions
Councils Environment Team	No objection, subject to conditions
Councils Environmental Health Team	No objection, subject to conditions

Public Notice

The application for subdivision in accordance with the approved Development Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3), and the review rights of Section 82(1) of the *Planning and Environment Act 1987* under Clause 43.04-3 of the Development Plan Overlay.

It is noted that the application process for the Development Plan included extensive public notice, where no submissions were received.

Key Issues

A detailed assessment of the application against the provisions of the Mansfield Planning Scheme is attached.

Native Vegetation

The attached Flora and Fauna Assessment provides a detailed assessment of the existing vegetation on the subject land and recommends Tree Protection Zones. The subdivision design and layout does not result in any impact to native vegetation. The Officer Recommendation includes specific conditions for ensuring all native vegetation on the land is protected.

Public Open Space Contribution

Clause 53.01 Public Open Space Contribution and Subdivision of the Mansfield Planning Scheme sets out when a contribution is required. The policy does not provide any relevant exemptions for the proposed subdivision.

Where Council does not have a specified contribution amount in the Planning Scheme Section 18 of the *Subdivision Act 1988* sets out the provisions for public open space contributions, which must not exceed 5% of the land area or 5% of value of the land.

It is standard practice for subdivisions to provide a 5% public open space contribution, which can be in the form of land or a monetary contribution. In this instance, the application does not include any public open space and therefore, the Officer Recommendation includes a condition requiring a 5% monetary contribution.

Section 18(1A) of the Act includes the following:

(1A) *The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to—*

- (a) the existing and proposed use or development of the land;*
- (b) any likelihood that existing open space will be more intensively used after than before the subdivision;*
- (c) any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;*
- (d) whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;*
- (e) how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;*
- (f) any policies of the Council concerning the provision of places of public resort and recreation.*

The existing parcels have been long-standing and following this subdivision will not likely be further subdivided, making this Council's only opportunity to request a public open space contribution. The subdivision will provide a 9-lot subdivision including 8 vacant lots able to be developed for rural-residential (lifestyle) development.

The increase in residential dwellings will create a greater need for open space in this area. While the lots are of a considerable size and could provide for some recreational space, many of the lots have large areas which are not useable. Particularly the lots towards the southern end of the development, where the land is quite steep, heavily vegetated and includes rocky outcrops. Additionally, there is a large area required to be excluded along Owens Creek, further restricting the useable land as part of this subdivision.

The Mansfield Open Space Strategy was adopted at the February 2023 Council Meeting and includes actions to develop two new public open spaces near to Malcolm Street that could benefit this subdivision. The Strategy also includes the Contribution Plan setting out recommended public open space contributions for residential developments. The Strategy is being implemented through Planning Scheme Amendment C57mans Part 2.

The permit applicant has formally requested consideration for a reduction of the public open space contribution to be only 2%, rather than Council's standard 5%, a copy of their submission is attached. The reasons for their request include:

- ▶ Sufficient onsite recreational capacity
- ▶ Low density and low population increase
- ▶ No existing open spaces within walking distance

Additionally, the permit applicant has provided some VCAT cases in support of their request, as follows:

Warren Blight v Moorabool SC (2020), was a Condition Appeal where a planning permit had been issued for a 4-lot subdivision of land in the Rural Conservation Zone, which has a minimum lot size of 6 hectares and where the lots ranged from 6 to 15 hectares. The Tribunal determined to reduce the public open space requirement from 5% to 2.5% based on the size of the lots accommodation on-site recreational capacity, and as Moorabool Council do not have any open space policies or strategic documents. It is considered that this VCAT decision is not relevant to the proposed subdivision application as the facts of the case are very different and not comparable.

Chivers v Yarra Ranges SC (2017), was a Conditions Appeal where a planning permit had been issued for a 6-lot subdivision of land in the Green Wedge A Zone, which has a minimum lot size of 1 hectare and a maximum lot size of 3 hectares. The Tribunal determined to reduce the public open space contribution requirement from 5% to 1% based on the ability for each lot to provide sufficient recreational opportunities.

The permit applicant has provided: *Given the rural nature, lot sizes and minimal pressure on public open space, a 5% contribution is disproportionate.*

In considering the application of a public open space contribution, it is also of value to consider the VCAT Case *Stupak v Hobsons Bay CC (2011)*, which is a Red Dot Decision. The significance of the case relates to Section 18 of the *Subdivision Act 1988* where a planning scheme does not provide a specified amount for a public open space contribution and the discretion to apply up to 5% lies with Council. The Case finds two key questions for consideration:

- ▶ *Whether there will be a need for more open space*
- ▶ *If there will be a need for more open space, what percentage is appropriate*

In relation to this application for subdivision, it is reasonable to conclude that the additional future housing will require additional open space in the area, particularly as there is not currently any. To answer the questions as to what percentage is appropriate, the VCAT Case *Stupak v Hobsons Bay* provided that consistency of previous contributions for subdivision permits is appropriate. Deputy President Gibson concluded; *The objective [of public open space contributions] is not to tax development, but to provide councils with a source of land or funds to help carry out a legitimate and beneficent responsibility. As communities evolve, is it incumbent on councils to maintain, improve, upgrade and add to public open space facilities as a means of meeting the social needs and changing demands for passive and active open space.*

In the case of *Stupak v Hobsons Bay CC*, the 5% public open space contribution as included by Council in the planning permit was upheld by the Tribunal, as there were no suitable grounds for the amount to be reduced.

It is for the reasons above that the Officer Recommendation includes a permit condition (Condition 34) requiring a 5% public open space contribution.

Recommendation

THAT COUNCIL issue a **Planning Permit** for a nine (9) lot staged subdivision at 240 Malcolm Street, Mansfield, subject to the following conditions:

Amended Plans

1. Prior to the commencement of works or certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and be generally in accordance with those submitted with the application, but modified to show:
 - a. 30-metre-wide Building Exclusion Zone along Owens Creek.
 - b. Tree Protection Zones.
 - c. Building envelopes where the Tree Protection Zones are excluded.
 - d. New boundaries must be a minimum of 1-metre from the trunk of any native tree.
 - e. Footpath and crossover locations.
 - f. Landscape Plan is required in accordance with Condition 24.
 - g. Staging plan.

Endorsed Plans

2. The subdivision must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
3. The Plan submitted for Certification must include the following, in accordance with the Endorsed Plans:
 - a. 30-metre-wide Building Exclusion Zone and native vegetation buffer for Owens Creek.
 - b. Building Envelopes.
 - c. Tree Protection Zones.

Section 173 Agreement

4. Prior to the issue of a Statement of Compliance, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:
 - a. No encroachment of buildings, works or associated infrastructure of more than 10% into any Tree Protection Zone.
 - b. Any dwelling constructed must provide a rainwater tank with a capacity not less than 25,000 litres (or by written consent of the Responsible Authority). The rainwater tanks must be installed and connected to the toilet cistern, laundry or garden taps.
 - c. Boundary fencing is to be open rural style of post and rail or post and wire.
 - d. CFA requirements, as detailed by Condition 59 of this permit.
 - e. All building floor levels to be constructed at least 300 millimetres above the natural surrounding ground level.
 - f. Buildings and works to be set back a minimum distance of 30 metres from designated waterways.
 - g. Effluent absorption fields for onsite wastewater treatment systems must be located a minimum distance of 60 metres from designated waterways.
 - h. The 30-metre-wide buffer area along Owens Creek is to be maintained with

native vegetation and suitably fenced to exclude stock.

- i. GMW requirements, as detailed by Condition 73 of this permit.

The permit holder must pay reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.

Cultural Heritage Management Plan

5. All works associated with the subdivision must be undertaken in accordance with the approved Cultural Heritage Management Plan.

Mandatory Subdivision Conditions

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
9. The owner of the land must enter into an agreement with:
 - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
10. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
11. Prior to the certification of the plan of subdivision, road names must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they must not be shown on any plans submitted for endorsement or certification.

Prior to Certification

12. Prior to the commencement of works for certification of the plan of subdivision (whichever occurs first), the owner or developer must submit to the Responsible

Authority a written report and photos of any existing/prior damage to public infrastructure. The report must detail the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development.

13. Unless identified within the written report, any damage to infrastructure will be attributed to the development. The permit holder must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development permitted by this permit, prior to the issue of a Statement of Compliance or at a later time as may be agreed by the Responsible Authority.
14. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
15. Prior to the certification of the plan of subdivision, all design drawings must be submitted to Council for approval. All works must be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of Council. All works constructed or carried out must be in accordance with these plans to the satisfaction of the Responsible Authority.
16. Prior to the certification of the plan of subdivision, a Site Management Plan (SMP) is to be submitted and approved by Council. The SMP must contain at minimum:
 - a. Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure.
 - b. Prevention of adverse environmental impacts on existing waterways including through run-off and siltation.
 - c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
 - d. Measures in accordance with EPA Victoria Publication 960 *Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites*.
17. Temporary barriers must be erected around the Tree Protection Zones of existing trees and maintained during construction to the satisfaction of the Responsible Authority.
18. Easements must be provided over all infrastructure services located within the boundaries of any lots.
19. Before the certification of the plan of subdivision, construction and drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.
20. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.
21. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flows shall be allowed to impact on the adjacent or downstream lots.

Native Vegetation

22. Works must not encroach more than 10% into the Tree Protection Zone of any Native Trees and new boundaries must not be within 1 metre of the trunk of any Native Tree.
23. Except with the written consent of the Responsible Authority, within the area of native

vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a. vehicular or pedestrian access;
- b. trenching or soil excavation;
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d. construction of entry and exit pits for underground services; or
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Landscaping

24. Prior to the certification of the plan of subdivision, a detailed landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions must be provided. The landscape plan must be consistent with the construction plans for the development and must show:
- a. New planting, including their layout to be provided in any road reserves and municipal reserves;
 - b. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule should be based on the recommended planting schedule documented in the Revegetation Guide for the Goulburn Broken Catchment as published by the Goulburn Broken Catchment Management Authority;
 - c. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
 - d. All trees planted as part of the landscape works must have a minimum height of 2-metres at the time of planting unless otherwise agreed by the Responsible Authority;
 - e. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve/s);
 - f. Soil quality and planting techniques in median or verge tree planting zones along roads that will support full growth of medium to large trees;
 - g. Mechanisms for the exclusion of vehicles;
 - h. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, tree planting, signage, retaining walls, protective fencing (temporary and permanent); and
 - i. Detailed designs for all stormwater treatment features such as bio-retention systems.

Environmental Health

25. Prior to the certification of the plan of subdivision, a detailed report on the functioning and serviceability of the existing onsite wastewater management system on proposed lot 1 must be submitted to the satisfaction of and approved by the Responsible Authority. Any existing wastewater system located on proposed Lot 1 that is not compliant with the requirements of the EPA Guidelines for Onsite Wastewater

Management, must be decommissioned to the satisfaction of Councils Environmental Health Department.

26. Prior to the development of each individual allotment, a Permit to Install an on-site wastewater system is to be obtained from Council.

The system must meet the minimum standard as detailed within the *Land Capability Assessment, SJE Consulting dated January 2022*, and be to the satisfaction of Council. Any alternate design must be supported by an addendum or alternate LCA design and be to the satisfaction of Council.

27. A copy of this Permit and the Land Capability Assessment prepared by SJE Consulting, January 2022 must be provided to any prospective purchaser of the land or proposed Lots.

Road and Access

28. Prior to Certification of the Plan of Subdivision detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

29. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.

Earthworks

30. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300mm.

31. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the Compaction Requirements of VicRoads Technical Specification.

Prior to Statement of Compliance

32. Any damage to Council assets such as roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

33. Prior to the issue of a Statement of Compliance, all nature strips must be seeded and fertilised and grass must be established to the satisfaction of the Responsible Authority.

34. Prior to the issue of Statement of Compliance of the final stage, or such later time as may be agreed in writing by the Responsible Authority, the permit holder must provide a Public Open Space Contribution of 5% of the total land area to the Responsible Authority, which must comprise:

- a. A cash contribution equivalent to 5% of the site value of the land of all land in the subdivision; and
- b. Any costs associated with valuation of the land including valuers fees.

The permit holder must make a request to Council to commence the process involved with this condition.

35. Prior to the issue of Statement of Compliance and Practical Completion a Security Bond is to be paid to the Responsible Authority for 20% of the total documented cost of the landscaping works based on tender fees.

This bond will be released following a satisfactory inspection and completion of the 24-months maintenance period.

36. Altered overland flow paths must pass within easements to the satisfaction of the Responsible Authority.
37. Prior to the issue of a Statement of Compliance, the developer is required to pay to The Responsible Authority a cash contribution of:
 - a. 0.75% of the total actual documented cost of the engineering works for the checking of engineering plans associated with the development approved herewith.
 - b. 2.5% of the total actual documented cost of the engineering works for the supervision of works associated with the development approved herewith.
38. The Responsible Authority for plan checking and supervision must obtain, in writing, the name of the project coordinator appointed to oversee the works and notification of commencement date prior commencing works.
39. Following completion of all works, and prior to issuing of the Statement of Compliance, “as constructed” drawings relating to drainage assets and assets with the road reserve must be submitted to Council in AutoCAD format. In addition, as constructed measurements as digital data in a GIS ready format must be provided relating to drainage assets and assets with the road reserve in accordance with the current version of D-SPEC and R-SPEC.
40. Prior to the issue of a Statement of Compliance a 2.5-metre-wide sealed footpath must be constructed along one side of the road along the frontage of the land and along the new road, including around the court bowl.
41. All road, road related areas and public open spaces within the new subdivision shall be provided with public lighting in accordance with the minimum requirement for Category P lighting guidelines and light technical parameters in AS/NZS 1158.3.1 and as approved by the Responsible Authority. All public lighting must incorporate the use of energy efficient globes.
42. Prior to the issue of Statement of Compliance all roads and intersections are to be signed and line marked to be compliant with *VicRoads Traffic Engineering Manual Volume 2*.
43. Prior to the issue of Statement of Compliance sealed vehicle crossovers must be constructed (one per lot) for each lot in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
44. Prior to the issue of a Statement of Compliance and Practical Completion a Security Bond is to be paid to the Responsible Authority for 5% of the total documented cost of the engineering works based on tender fees.

This bond will be released following a satisfactory inspection and after completion of the Defects Liability Period of 12-months. The Defects Liability Period will commence from the release of the new Titles where the road reserve is created and Council becomes the Road Manager, or as agreed to in writing by the Responsible Authority.
45. Prior to the issue of Statement of Compliance a rural-style fence must be constructed along the west side of Owens Creek to provide stock exclusion a minimum of 30-metres from the top of the bank.

The area between the new fence and the Creek, and 30-metres or to the east property boundary, whichever is lesser, on the east side of the Creek must be planted using native vegetation to the satisfaction of the Responsible Authority.

AusNet Electricity Services

46. Enter into an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
47. Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
48. Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
49. Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
50. Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
51. Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
52. Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
53. Given the existing 22kV feeder is a REFCL feeder, additional HV underground assets may trigger the need for a REFCL isolating substation. Should this be required, an additional reserve may be required on the plan of subdivision for the use of Ausnet Electricity Services Pty Ltd for electric substations.
54. Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
55. Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
56. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
57. Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority (CFA)

58. Before the development starts, the Development Plan prepared by Mountain Planning Rev. A and dated 20 July 2022 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the

Responsible Authority.

59. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a. 10,000 litres of effective water supply for fire fighting purposes must be provided on each lot which meets the following requirements:
 - i. Is stored in an above ground water tank constructed of concrete or metal.
 - ii. Is located no greater than 60 metres and no less than 10 metres from the building.
 - iii. All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
 - iv. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - v. The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
 - vi. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - vii. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).
 - viii. A safe fire truck hard standing area of 10.3 m x 5.5 m clear of obstructions is provided at least 10 m from the building.

60. Roads must be constructed to the following requirements:

- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b. Curves must have a minimum inner radius of 10 metres.
- c. The trafficable width must be a minimum of 3.5 metres, be of all-weather construction and have a load limit of at least 15 tonnes.
- d. Where the distance to the nearest intersection exceeds 60 metres then a turning area for firefighting vehicles must be provided by one of the following:
 - a. A turning circle with a minimum radius of 8 metres.
 - b. The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroads Design for an 8.8 metre service vehicle.

Department of Energy, Environment and Climate Action (DEECA)

61. Before works start, a protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at a minimum of:

- a. 12 times the diameter of the tree trunk at 130 cm above ground level (to a maximum distance of 15 metres) but no less than 2 metres from the base of the trunk, and
- b. 2 metres from remnant patches of native vegetation.

The protection fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the Department of Environment, Land, Water and Planning. The protection fence must remain in place at least until all works are completed to the satisfaction of the department.

62. Except with the written consent of the department, within the area of native vegetation to be retained and any Tree Protection Zone (TPZ) associated with the permitted use and/or development, the following is prohibited:

- a. vehicular or pedestrian access;
- b. trenching or soil excavation;
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d. construction of entry and exit pits for underground services; or
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

63. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites.

Goulburn Broken Catchment Management Authority (GBCMA)

64. All building floor levels to be constructed at least 300 millimetres above the natural surrounding ground level.

65. Buildings and works to be set back a minimum distance of 30 metres from designated waterways.

66. Effluent absorption fields must be located a minimum distance of 60 metres from designated waterways.

67. New access routes, or works, on designated waterways are subject to permit, from the Goulburn Broken Catchment Management Authority, under Bylaw No. 3.

68. All land within waterways is to be set aside for waterway protection.

Goulburn Murray Water (GMW)

69. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

70. Any Plan of Subdivision submitted for certification must show a 30m building exclusion zone along Owens Creek located on the eastern side of the subject land.

71. A 30 metre wide buffer strip of native vegetation must be established and maintained on both sides of Owens Creek. Stock must be prevented from having access to this area.

72. Prior to the Statement of Compliance being issued, the wastewater system servicing the existing dwelling on proposed Lot 1 must be upgraded if necessary to the satisfaction of council's Environmental Health Department.

73. The wastewater disposal area associated with any future development must be:

- a. All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
- b. kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- c. must be appropriately sized to manage the potential volume of wastewater

generated under full occupancy (based on a minimum number of bedrooms), based on a full water balance specific to the proposal and subject land in accordance with the EPA Code of Practice – Onsite Wastewater Management.

- d. located at least 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.

*Where wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite Wastewater Management. However where possible setback distances must be maximised.

- 74. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

Goulburn Valley Water (GVW)

- 75. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- 76. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to water main upgrade, construction of a water booster pumping station, storage or tanks and trunk mains).
- 77. Provision of one water tapping per lot and/or in Common Property with manifold meter assembly to service each Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 78. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
- 79. Disconnection of private water service and directly connected to the newly constructed water main.
- 80. The land to be included in an extension of the Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated water to this development. Such amount being determined by the Corporation at the time of payment.
- 81. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
- 82. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Permit Expiry

- 83. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision for Stage 1 is not certified within three (3) years of the

date of this permit.

- b. Each stage of the subdivision is not completed within five (5) years of the date of the respective certification of the plan of subdivision.
- c. Each consecutive stage is not certified within three (3) years of the previous stage having been completed and Statement of Compliance being issued.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Permit Notes

- 1) Further guidance on water supplies and access for subdivisions in rural zones are specified in 'Preferred Requirements: Water Supplies and Access for Subdivisions in Rural Zones' available under publications on the CFA web site (www.cfa.vic.gov.au).
- 2) Prospective purchasers of lots on this plan should contact AusNet Electricity Services to determine the availability of a supply of electricity. Financial contributions may be required.

Support Attachments

- 1. Assessment Against Planning Scheme [13.2.2.1 - 14 pages]
- 2. Permit Applicant POS Contribution Submission [13.2.2.2 - 4 pages]
- 3. Proposed Plan of Subdivision [13.2.2.3 - 2 pages]
- 4. Flora and Fauna Report [13.2.2.4 - 68 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, including all relevant sustainability principles and policies.

Community Engagement

No community engagement was undertaken as part of the assessment of the planning permit application in accordance with the exemption from notice and review at Clause 43.04-3 of the Mansfield Planning Scheme. Extensive community engagement was undertaken in the assessment and adoption of the Development Plan.

Collaboration

Not Applicable

Financial Impact

The application has been assessed as part of the operations of the Statutory Planning team with existing council resources, an application fee of \$1,360.80 was received.

Legal and Risk Implications

This planning permit application is being undertaken in accordance with the requirements of the *Planning and Environment Act 1987* and the *Subdivision Act 1988*.

Regional, State and National Plans and Policies

This application has been assessed in accordance with the Mansfield Planning Scheme.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.1 Protect natural vistas and farmland

Strategy 3.3 Improve roads, drainage and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.3. Parking Infringement Penalties

File Number	E3234	Responsible Officer	Manager Development Services, Maya Balvonova
Purpose			

To seek a Council resolution to adopt specific penalty levels for certain Parking Infringement Notices (PINs). A resolution is required to adjust default penalties where they are not considered sufficient to deter individuals from deliberately breaching parking regulations, and to more effectively support compliance with parking controls.

Executive Summary

The *Road Safety Act 1986* and its associated regulations establish parking infringement offences and empower local governments to enforce breaches of parking rules.

While the default penalties for some PINs are set by legislation, they can be modified through a resolution of Council. In several cases, the existing default penalties are not considered sufficient to deter individuals from deliberately breaching parking regulations. Therefore, a resolution is required to adjust these penalties to more effectively support compliance with parking controls.

For parking offences, the default penalties attached to Parking Infringement Notices (PINs) are prescribed in Schedule 6 of the *Road Safety (General) Regulations 2019*. However, under section 87(4) of the *Road Safety Act 1986*, a municipal Council may, by resolution, set a specific penalty amount for a PIN. This discretion is subject to limitations—specifically, the penalty must not exceed 0.5 penalty units.

This ability to vary the penalty amount applies only to a defined list of 11 specific offences (detailed below). Parking offences that attract higher infringement penalties, beyond this scope, are not affected by such a resolution.

Summary of Parking Infringement

Code	Summary of Parking Infringement	Applicable road rule (<i>Road Safety Road Rules 2017</i>)	Default Infringement Penalty	Maximum Infringement penalty
0701	Parking for longer than indicated	RR 205	0.2 penalty unit	0.5 penalty unit
0702	Parked-fail to pay fee and obey instructions on sign, meter, ticket or ticket-vending machine	RR 207(2)	0.2 penalty unit	0.5 penalty unit
0704	Stopped on a bicycle parking area	RR 201	0.2 penalty unit	0.5 penalty unit
0705	Stopped on a motor bike parking area	RR202	0.2 penalty unit	0.5 penalty unit
0706	Parked contrary to requirement of parking area	RR 209(2)	0.2 penalty unit	0.5 penalty unit

Code	Summary of Parking Infringement	Applicable road rule (<i>Road Safety Road Rules 2017</i>)	Default Infringement Penalty	Maximum Infringement penalty
0707	Parked-fail to comply with angle parking requirement	RR 210(1)	0.2 penalty unit	0.5 penalty unit
0708	Parked-fail to comply with 90° angle parking requirement	RR 210(1)	0.2 penalty unit	0.5 penalty unit
0711	Parked not completely within a parking bay	RR 211(2)	0.2 penalty unit	0.5 penalty unit
0712	Parked-long vehicle exceeding minimum number of bays	RR 211(3)	0.2 penalty unit	0.5 penalty unit
0713	Parked-wide vehicle exceeding minimum number of bays	RR 211(3)	0.2 penalty unit	0.5 penalty unit
0621	Stopped contrary to a no parking sign	RR 168(1)	0.2 penalty unit	0.5 penalty unit

Table 1: Summary of Parking Infringement

In the 2025/26 financial year, the penalty unit has been set by the State Government at \$203.51. A 0.2 penalty unit fine equates to \$41.00, and a 0.5 penalty unit fine equates to \$102.00.

This fixed penalty helps deter behaviour that undermines fair parking access, particularly in high-demand areas. Certain offences also pose safety risks - for example, parking near school crossings (see RR168(1)).

Key Issues

The Regulations prescribe the penalty amounts for parking infringements. Some offences carry a default penalty of 0.2 penalty units (currently \$41). However, under the *Road Safety Act 1986*, Councils are permitted to fix penalties for these offences by resolution, up to a maximum of 0.5 penalty units (currently \$102).

This higher penalty level is considered more effective in deterring drivers from intentionally breaching parking controls, that are designed to manage parking fairly and equitably for all road users.

The primary objective of Council is to modify driver behaviour. Parking offences, particularly in high-demand areas, can undermine equitable access to parking. More critically, some offences pose significant risks to community safety, for example, parking too close to a school crossing, which may obstruct visibility for pedestrians (refer to RR168(1) in the table above).

It is important to note that certain aspects of the enforcement process are legislated and therefore cannot be modified. These include the format and issuance of statutory notices, the maintenance of required registers, and the process for internal infringement reviews.

A key decision facing Council involves a resolution to fix penalty levels for parking infringements. Upon the passing of this resolution, Council officers will be able to continue issuing Parking Infringement Notices (PINs) at 0.5 of a penalty unit - the highest allowable rate under current regulations. While referred to as the "maximum" penalty, this rate remains modest in financial terms but serves as a meaningful deterrent against non-compliance.

Recommendation**THAT COUNCIL**

1. Resolve in accordance with section 87(4) of the *Road Safety Act 1986* and any other power enabling it, to fix the infringement penalty specified in Column 5 of the Table below, for the prescribed parking infringement offences under the *Road Safety Road Rules 2017* listed in Column 4, effective from 1 September 2025.

Item No. (Column 1)	Code (Column 2)	Summary of Parking Infringement (Column 3)	Prescribed Parking Infringement Offences (Column 4)	Infringement penalty (Column 5)
1	0701	Parking for longer than indicated	RR 205	0.5 penalty unit
2	0702	Parked-fail to pay fee and obey instructions on sign, meter, ticket or ticket-vending machine	RR 207(2)	0.5 penalty unit
3	0704	Stopped on a bicycle parking area	RR 201	0.5 penalty unit
4	0705	Stopped on a motor bike parking area	RR202	0.5 penalty unit
5	0706	Parked contrary to requirement of parking area	RR 209(2)	0.5 penalty unit
6	0707	Parked-fail to comply with angle parking requirement	RR 210(1)	0.5 penalty unit
7	0708	Parked-fail to comply with 90° angle parking requirement	RR 210(1)	0.5 penalty unit
8	0711	Parked not completely within a parking bay	RR 211(2)	0.5 penalty unit
9	0712	Parked-long vehicle exceeding minimum number of bays	RR 211(3)	0.5 penalty unit
10	0713	Parked-wide vehicle exceeding minimum number of bays	RR 211(3)	0.5 penalty unit
11	0621	Stopped contrary to a no parking sign	RR 168(1)	0.5 penalty unit

Support Attachments

Nil

Considerations and Implications of Recommendation**Sustainability Implications**

The recommendation supports the sustainable management of public spaces by promoting equitable access to parking and reducing congestion. Encouraging lawful parking behaviour contributes to safer streets, more efficient traffic movement, and minimises environmental impact caused by unnecessary vehicle idling and circulation.

Community Engagement

Community engagement has occurred through regular customer service feedback, complaints management, and prior consultations regarding parking enforcement and fairness. The community's desire for equitable access and safety around sensitive areas such as schools has

informed this approach. Broad engagement will also be undertaken as part of the upcoming Parking Study to identify areas of continuing community concern.

If supported by Council, the community will be notified of the applicable fines through Mansfield Matters and on Council's Website.

Collaboration

The proposal has involved internal collaboration between Council's Local Laws, Finance and Governance teams. Input from regional council benchmarking and best practice comparisons has also informed the recommendation.

Financial Impact

Ongoing Parking Enforcement actions are not expected to place an additional strain on Council's current resources, as Council increased the Local Laws resourcing in the 2024/25 Budget in response to community feedback. While some costs, such as legal fees and application charges, could be incurred (estimated at up to \$5,000 (ex GST)), these are considered manageable within existing budget allocations.

While infringement income (PINs) helps offset the costs of enforcement, Council's educational approach results in multiple warnings issued for each infringement. It is important to note that any PIN may be contested and escalated to the Magistrates' Court by the recipient. Therefore, each Notice must be prepared with diligence, requiring staff time and resources.

Legal and Risk Implications

The resolution ensures compliance with Section 87(4) of the *Road Safety Act 1986* and the *Road Safety (General) Regulations 2019*. A clear and consistent enforcement framework also mitigates reputational risk associated with perceived unfairness or inconsistency in parking enforcement.

Regional, State and National Plans and Policies

The approach aligns with state legislation, including the *Road Safety Act 1986* and *Road Safety Road Rules 2017*, supporting broader objectives of road safety, regulatory compliance, and public amenity. It reflects consistent practices across other Victorian Councils, reinforcing regional alignment.

Innovation and Continuous Improvement

The proposal demonstrates continuous improvement through refinement of enforcement practices, informed by regional benchmarking and analysis of infringement trends. Streamlined procedures and updated penalty levels enhance efficiency and fairness in service delivery.

Alignment to Council Plan

This initiative supports key priorities in the Council Plan, including community safety, responsible governance, and liveability. It reflects Council's commitment to equitable access, responsible regulation, and service efficiency.

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.3. People, Communications and Governance

13.3.1. Disposal or Sale of Council Assets Policy

File Number	E1533	Responsible Officer	Governance and Risk Officer, Chelsea Young
Purpose			

To seek Council endorsement of the revised Disposal or Sale of Council Assets Policy.

Executive Summary

The Disposal or Sale of Council Assets Policy, first implemented in 2017, defines the roles and responsibilities for the responsible, transparent disposal or sale of Council assets (land, plant and equipment) that are no longer required. It ensures all disposal activities are conducted in line with principles of transparency, fairness, legal compliance and community benefit. The policy outlines approved disposal methods such as sale, auction, donation, recycling and secure destruction.

A comprehensive review of the Disposal or Sale of Council Assets Policy has been completed, and a revised and updated Policy has been developed.

Community engagement on the revised policy was open from 14 February 2025 – 28 February 2025 through Council's Engage page and was advertised through Mansfield Matters in the Courier, with no feedback or comments received.

A tracked changes copy of the revised Policy is attached for reference.

Key Issues

Key changes to the Policy include:

- ▶ Clarifying the factors to be considered when identifying an asset that is due for disposal.
- ▶ Outlining the considerations for selecting the appropriate disposal method for an asset.
- ▶ Allowing the donation of surplus or redundant assets to registered charities or community organisations through an expression of interest process.
- ▶ Community groups maintaining open space will be notified of surplus maintenance equipment prior to its disposal or trade-in with either donation of the equipment to a community group through an EOI process, or pricing negotiated based on market value or a recent appraisal. This process is in line with Council's Township Reserves (Non-Council Land) Policy.
- ▶ 'Sale of Council Land' comprehensively expanded.
- ▶ Role-specific responsibilities have been comprehensively defined and embedded in the policy improving accountability and clarity in grant management processes.
- ▶ Inclusion of a Gender Impact Assessment.

The expansion of 'Sale of Council Land' aims to provide greater clarity, structure, and accountability in the process, ensuring that decisions related to the sale of land align with Council's strategic goals and while ensuring community benefits. The expanded policy now includes clear guidelines on the circumstances under which land may be sold below market value, compliance with relevant legislation and the responsibilities of both Council and purchasers in the sale process.

Recommendation	
THAT COUNCIL endorses the Disposal or Sale of Council Assets Policy 2025.	
Support Attachments	
1.	DRAFT Disposal or Sale of Council Assets Policy 2025 [13.3.1.1 - 11 pages]
2.	Tracked Changes - Disposal or Sale of Council Assets Policy 2025 [13.3.1.2 - 11 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy through Engage Mansfield from 11 July 2025 to 25 July 2025 seeking feedback on the draft policy. No feedback or comments were received.

Collaboration

Not Applicable

Financial Impact

The review of the policy has been undertaken internally within existing staff resources.

The policy allows for the disposal of assets to be undertaken in a simple, consistent and transparent manner and enables Council to realise income from surplus assets.

Legal and Risk Implications

The policy addresses governance risks to ensure assets are disposed of in a transparent and fair manner. It addresses reputational risks associated with selling or donating assets previously owned by Council.

Regional, State and National Plans and Policies

The Policy takes into consideration requirements under the following State Policies:

- *Local Government Act 1989 and 2020*
- *Subdivision Act 1988*
- *Planning and Environment Act 1987*

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own-source of funding income and optimising costs of delivering services

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.4. Capital Works and Operations

13.4.1. Mansfield Learner Accessible Pool Scheme (LAPS) Funding

File Number	E11975	Responsible Officer	Manager Operations and Capital Works, Nick Maple
Purpose			

To inform Council of the successful \$1m grant application made to the Department of Jobs, Skills, Industry and Regions (DJSIR) for the Learner Accessible Pool Scheme (LAPS) package at the Mansfield Aquatic Centre and to seek Council approval for execution of the funding agreement and of the proposed co-contribution amount of \$750,741 over three financial years.

Executive Summary

Council has been successful in its submission for a grant of \$1m through DJSIR to complete an upgrade at the Mansfield Aquatic Centre. This report provides a summary of the scope included in the successful grant application, as well as a breakdown of the proposed Council co-contribution amount required for completion of the project scope.

Key Issues

For several years, the Mansfield Shire community and Council have identified the need to offer aquatic facilities to the community on a year-round basis. This application was successful after two previous unsuccessful grant applications.

The funding application scope includes a roof over the learn to swim pool, new splash play area in the current location of the toddler pool, solar power installation and upgrades to allow the changerooms to be used in the winter months.

A Grant Applications report was presented at the Council Meeting on 12 February 2025 with the resolution that Council endorsed the:

“Preparation of grant application to submit to Sports and Recreation Victoria to the Regional Community Sports Infrastructure Fund – Round 2 for the Mansfield Learner Accessible Pool Scheme (LAPS) and the required co-contribution funding of \$422,000.”

Council has now received the funding agreement from DJSIR with a co-contribution ratio of 4:1. The grant application made by Council proposed a co-contribution amount of \$750,741 and contributions from community funding partners YAFM and Bendigo Bank of \$12,000, making a total project cost of \$1,762,741.

The project scope and high-level cost breakdown are shown in the table below:

Table 1: LAPS Package Scope and Budget

Scope Item	Expenditure
Preliminaries	\$17,650
Improvements to Learner Pool including Roof	\$865,465
Winterisation of change rooms	\$121,710
DDA improvements	\$184,939
Upgrade to toddler pool - Splash play pad	\$340,000
Project management	\$80,000
Contingency 10%	\$152,975
Total Project Cost	\$1,762,741
Contributions	Income
DJSIR	\$1,000,000
Bendigo Community Bank	\$10,000
YAFM	\$2,000
Total Income	\$1,012,000
Total Council Co-Contribution Amount	\$750,741

The co-contribution amount of \$750,741 is proposed to be spread over three financial years. The end date of the project proposed in the funding agreement is 11 August 2027.

Following review of the 10 Year Capital Works Plan, Council officers have identified the proposed co-contribution amount from the 2025-26 Budget and the following two financial years to offset the co-contribution required for the project as follows:

- 2025-26: \$385,000
- 2026-27: \$345,741
- 2027-28: \$50,000

Officers recommend that Council execute the funding agreement for the successful \$1m grant application made to the Department of Jobs, Skills, Industry and Regions (DJSIR) for the Learner Accessible Pool Scheme (LAPS) package at the Mansfield Aquatic Centre.

Recommendation

THAT COUNCIL:

1. Approves an increased financial co-contribution amount of \$750,741 for the Learner Accessible Pool Scheme (LAPS) package at the Mansfield Aquatic Centre over three financial years:
 - a. 2025-26: \$385,000
 - b. 2026-27: \$345,741
 - c. 2027-28: \$50,000
2. Approves the execution of the funding agreement with the Department of Jobs, Skills, Industry, and Regions for the LAPS package at the Mansfield Aquatic Centre.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

The proposed project scope considers the sustainability implications of year-round operations with solar power installation and upgrades to allow the changerooms to be used in the winter months. The provision of improved access to Council's existing pool facilities, without the need for local community members and families to travel long distances for swimming lessons, will provide a safer and more sustainable solution.

Community Engagement

Community Engagement for the works included in the project scope will be undertaken in accordance with Council's Community Engagement Policy.

Collaboration

Council is working in collaboration with the Aquatic Facilities Working Group and the other community funding partners YAFM and Bendigo Bank.

Financial Impact

The proposed co-contribution amount of \$750,741, spread across the 2025-26, 2026-27, and 2027-28 financial years, can be accommodated within Council's adopted 2025-26 Budget without the need for a budget variation, and Council's 10 Year Capital Works Plan has also been reviewed to ensure that the amounts proposed to be allocated in subsequent years will not impact on Council's overall financial position.

Legal and Risk Implications

Financial Risk during project delivery is mitigated through use of Mansfield Shire conditions of contract and management of the works through experienced and skilled Council officers.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

Strategy 2.2 Create an environment where community and clubs can recreate, socialise and contribute to the health and wellbeing of the community

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.5. Executive Services Directorate

13.5.1. Council Plan Actions 2024-25

File Number	E11960	Responsible Officer	Acting Executive Manager Community Health & Wellbeing, Janique Snyder
Purpose			

The purpose of this report is to inform Council on progress made against the Council Plan 2021-2025 Actions for the 2024-25 financial year.

Executive Summary

The Mansfield Shire Council Plan 2021–2025 is the key strategic document to guide Council's decision making over the four-year term and articulates the role Council will play in leading, supporting and advocating for the best possible outcomes for the Mansfield Shire community.

The Council Plan is split into three key supporting themes:

- ▶ Theme 1: Connected and Healthy Community
- ▶ Theme 2: Vibrant Livability
- ▶ Theme 3: A Trusted, Effective and Efficient Council

Within each of these themes, there are:

- ▶ Strategic objectives - what Council will focus on to achieve its vision.
- ▶ Initiatives - what steps Council will take to achieve the strategic objectives.

Progress against these objectives and initiatives has been included in the attached report with outcomes reported against major budget initiatives, other budget initiatives, and additional activities undertaken during the 2024-25 financial year.

Key Issues

The end of financial year report shows that considerable progress has been made against the Council Plan 2021-2025 initiatives. Some highlights are summarised below for each Theme.

Theme 1: Connected and Healthy Community

- ▶ Expanded Volunteer Program; Program officer was recruited and commenced. Volunteer opportunities and recruitment processes were developed, and community engagement was implemented. A Health, Community and Volunteer Expo was held on 21 May which was very successful. Volunteer software has also been selected and is currently being updated.
- ▶ SIAG Initiative Funding rounds one and two have been completed with 13 initiatives successful in receiving funding at a celebration event for the groups involved. A 3 year plan was developed by the group and mid-year milestone reports prepared. The next round of funding initiatives is currently underway with the opportunity advertised to community.
- ▶ Access and Inclusion; Two grant submissions were made to the Strong and Resilient Communities Fund and through DSS Inclusion and Accessibility Fund: Australia's

Disability Strategy (ADS) - Community Attitude for creation of an Access and Inclusion Plan but unfortunately were unsuccessful. Feedback was sought from existing and potential community bus users on what opportunities there are to increase numbers using the service and increased promotion of the service was undertaken. Seniors Festival Month was held in October 2024 with a wide range of activities on offer. Planning is underway for 2025.

- ▶ The Integrated Family Services Coordinator has implemented the MHiPS Network to support the schools in their implementation of mental health and wellbeing initiatives for school children in our area. The network will meet quarterly and provide information, connection and peer support to the teaching staff. A cyber safety subgroup has engaged a guest speaker to deliver cyber safety sessions to all Mansfield schools and parent sessions, with support provided by Council's Youth and Events team. In June, over 1000 community members, including students, educators and parents attended Cyber Safety sessions with expert, Susan McLean. The MHiPS Network also met with a representative from the Families Where There is a Mental Illness group. Discussions were around supporting children where a parent is experiencing mental health challenges.
- ▶ The Outlying Communities Infrastructure Fund (OCIF) grants program ran successfully again with a project workshop held on 30 September to connect applicants with Council officers for support and guidance on their grant ideas. The successful applicants for 2024-25 were Ancona Hall Committee, Bonnie Doon Community Group and Merton Campdraft Club Inc. These projects were endorsed at the December 2024 Council meeting and service agreements prepared. A further round of applications from the Delatite Valley Association, Howqua Inlet and Macs Cove Community Group and Jamieson Community Group were considered and endorsed at 18 March 2025 Council meeting. As of 30 June, all OCIF 2023-24 projects have been completed, with the exception of the Goughs Bay Playground.

Theme 2: Vibrant Livability

- ▶ Work collaboratively and actively with local community members to target and reduce European Wasp populations; European Wasp program commenced in late September 2024, providing approximately 125 traps to the community. Council also set up a total of 30 traps around the Mansfield area. At the completion of the project in December, it was estimated that queen wasp numbers were reduced by approximately 285, which equates to a potential reduction of 800,000 wasps for the summer period. The peak catch period was from late October to early November. The project has been well-supported by community and is proposed to run again in 2025-26.
- ▶ The Green Waste Initiative (Tip Vouchers) was promoted in the annual rate notice flyer sent to all rate payers in August. Vouchers were created and the Customer Service team are distributing these. The vouchers were valid until 30 June 2025. A total of 65 vouchers were presented and recorded through the MRRC sales system, which equates to 65 x \$15 per m³ = \$975.
- ▶ "Spring Clean Up" event for green waste; The acceptance of green waste at the Resource Recovery Centre, free of charge in advance of the declared Fire Danger Period was completed. A total of 275 cubic metres of green waste (275 loads) was received in November and the event was extended from 11-31 December due to an increased fire risk for North East Victoria. Over the extension period, a further 277 cubic metres of

green waste (277 loads) was received, showing this initiative was well-supported by the community. Due to the success of the program, this project is proposed to be conducted again in 2025-26.

- ▶ The festive season waste management was expanded with provision of additional bins and service to high traffic areas and continued work with outlying community groups including the Goughs Bay Area Progress Association to reduce camper waste and illegal dumping. The 2024-25 Festive Season Waste Management Plan was implemented, including increased hours and days for the MRRC from 20/12/24 to 2/01/25, free acceptance of camping waste from 20/12/24 to 31/01/25 over the summer holidays and Australia Day long weekend, posters and flyers distributed, and 20 new corflute signs installed at various public space bins to deter overfilling bins. Extra bins were placed in Mansfield, Bonnie Doon, Jamieson and Gough's Bay, with extra collections also scheduled. An end of season report was completed with recommendations for the next festive season based on the learnings from this season.
- ▶ A sampling event for all five closed landfill sites took place in November 2024. For 340 Dead Horse Lane, the Landfill Gas and Groundwater risk assessments are complete, and the conceptual site model was finalised for submission to the EPA. Rectification and capping work at Monkey Gully Landfill was completed by the end of January, including biofilter rectification, capping, and installation of a freeboard marker.
- ▶ The 2024 annual monitoring report has been submitted to the EPA in January 2025. For the Rifle Butts, Maintongoon, and Maindample sites, a conceptual site model will be developed as a three-site package following tender award.

Theme 3: A Trusted, Effective and Efficient Council

- ▶ Collaborative Digital Transformation Project; Mansfield Shire has gone live with the Planning and Building Modules, as well as the Information Management module and Regulatory Services, with Property and Rates, Finance and Customer Management to be implemented in late 2025.
- ▶ The Community Engagement framework and Engage platform has been used to provide timely and accurate information and seek community feedback on a wide range of projects and policy initiatives including:
 - Social Inclusion Action Group
 - Volunteers Policy
 - Special Rates and Charges Policy
 - Kidston Parade Shared Path
 - Station Precinct Museum Complex Community Asset Committee
 - Aquatic Facilities Working Group
 - Sports and Recreation Reference Group
 - Botanic Park Stage
 - Budget Engagement 2025-26
 - Planning Scheme Amendments
 - Footpaths and shared paths
 - Local Emergency Action Plans
- ▶ Council continued to identify opportunities to grow revenue through grant applications. Grants applied for in 2024-25 include:

- Enabling Access Safely for Everyone - Highton Lane/Mt Buller Road Mansfield Roundabout or EASE package \$2.9m - Unsuccessful
- Community Garden Project - VicHealth \$50,000 - Unsuccessful
- Goods Shed Refurbishment - Regional Tourism Investment Fund \$679,511 – Unsuccessful (but now funded through the Station Precinct rPPP grant).
- Connecting Local Access Safe Shared Path (CLASSP) - TAC \$100,000 - Unsuccessful
- Lighting Up Lords Reserve - Sport and Recreation Victoria \$250,000 - Unsuccessful
- Citizenship Ceremony & Horsepower in the High Country - Mansfield Botanic Park Australia Day \$10,000 - Successful
- Hearn's Bridge and Graves Rd culvert replacement, Lonergan's Bridge renewal replacement - Commonwealth DITRDCA -\$5.3m - Awaiting outcome
- Mansfield Female Inclusive Rooms project - Department of Health \$1.2m - Successful
- Mansfield Kindergarten - Amenities Block Mechanics Institute - VSBA Building Blocks Grant Improvement \$150,000 - Unsuccessful
- Elvins Street and Ultimo Street footpath construction - Commonwealth DITRDC Active Transport Fund - \$185,000 – Unsuccessful
- Mansfield Shire Youth FReeZa Program - \$80,000 – Successful
- 100 Neighbourhood Battery – Bonnie Doon Recreation Reserve - \$155,327 - Successful
- ▶ Successful grant funding announced between 1 July 2024 and 30 June 2025
 - Motorcycle Levy Safety Program - \$135,000
 - Grow Together Children's Week - \$700
 - Station Precinct Activation Package - Stage One: Activities Regional Development Victoria - RPPP Stream 2: Precinct delivery - \$7.7m
 - Station Precinct Activation Package - Stage Two: Heritage Regional Development Victoria - RPPP Stream 2: Precinct delivery - \$6.4m
 - Citizenship Ceremony & Horsepower In The High Country - Mansfield Botanic Park -Australia Day - \$10,000
 - Woods Point Community Energy Resilience Project – Ausnet - \$78,647
 - Engage Program - Department of Families, Fairness and Housing - \$165,000
 - Mansfield Female Inclusive Rooms project - Department of Health - \$1.2m
 - Station Precinct New Dog Park - DEECA New and Upgraded Dog Parks - \$250,000
 - Mansfield Community Centre Solar & Heating – Ausnet Community Energy Upgrades Fund - Round 1 - \$31,000
 - Mansfield Shire Youth FReeZa Program - \$80,000
 - 100 Neighbourhood Battery – Bonnie Doon Recreation Reserve - \$155,327

Recommendation

THAT COUNCIL accepts the Council Plan 2021-2025 end of financial year report for 2024-25.

Support Attachments

1. 2024 2025 Council plan actions Dashboard [13.4.1.1 - 15 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

All activities undertaken to fulfil the Council Plan 2021-2025 actions have been completed within the approved 2024-25 Budget, or within the grant funding awarded for specific projects and initiatives.

Legal and Risk Implications

Not applicable.

Regional, State and National Plans and Policies

It is a legislative requirement of the *Local Government Act 2020* that each Council adopt a Council Plan. This end of financial year report is presented in accordance with Section 98 of the *Local Government Act 2020* and Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2020*.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community

Strategic Objective 1: The health and wellbeing of families and communities is maximised

Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.

Strategy 1.2 Connect, develop and support children and young people.

Strategy 1.3 Contribute to efforts that ensure essential community services exist locally.

Theme 1: Connected and Healthy Community

Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

Strategy 2.1 Support our arts community and facilitate the delivery of festivals and events.

Strategy 2.2 Create an environment where community and clubs can recreate, socialise and contribute to the health and wellbeing of the community

Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability

Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.1 Protect natural vistas and farmland

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

Theme 2: Vibrant Liveability

Strategic Objective 4 Clean and green: Waste and energy sustainability

Strategy 4.1 Minimise and re-use waste

Strategy 4.2 Adopt and promote energy options that are affordable, self sustaining & carbon positive

Theme 2: Vibrant Liveability

Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.1 Create conditions that enable local businesses

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Strategy 6.2 Building organisational capacity through its people

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own-source of funding income and optimising costs of delivering services

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

14. Council Meeting Resolution Actions Status Register

This report presents to Council the Mansfield Shire Council Meeting Resolution Actions Status Register

Recommendation	
THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 12 August 2025.	
Support Attachments	
1.	Mansfield Shire Council Action Register as at 12 August 2025 [14.1.1 - 6 pages]
2.	CONFIDENTIAL Mansfield Shire Council Action Register as at 12 August 2025 [14.1.2 - 3 pages]

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Council has the power to close its meeting to the public in certain circumstances pursuant to the provisions of Section 66(2) of the Local Government Act 2020. The circumstances where a meeting can be closed to the public are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

The definition of confidential information is provided in Section 3(1) of the *Local Government Act 2020*.

Recommendation
THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons set out in section 18 below.

18. Confidential Reports

18.1. Tender Award: Mansfield Heritage Museum

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(h) - confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

19. Reopen meeting to members of the public

Recommendation
THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting